



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCGLEW & TUTTLE, PC
P.O. BOX 9227
SCARBOROUGH STATION
SCARBOROUGH, NY 10510-9227

COPY MAILED

JUL 13 2007

OFFICE OF PETITIONS

In re Application of :
Horst Rathert :
Application No. 10/051,577 : **DECISION ON PETITION**
Filed: January 16, 2002 :
Attorney Docket No. 70418 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 5, 2007, to revive the above-identified application.


The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to take appropriate action in a timely manner after the decision of July 28, 2006 by the Board of Patent Appeals and Interferences. Therefore, the proceedings as to the rejected claims were terminated. *See* 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on September 29, 2006. *See* MPEP 1214.06.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) fee of \$395.00 and submission (an amendment), (2) the petition fee of \$750.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3724 for appropriate action by the Examiner in the normal course of business on the reply received March 5, 2007.


Frances Hicks
Petitions Examiner
Office of Petitions